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JAN 23 2008
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SUPREME COURT, U.S.

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No. 07-717

In The

Supreme Court of the United States

Lorena Minix, et al.,

Petitioners,

v.

JELD-WEN, inc.,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEAL
FOR THE ELEVENTH CIRCUIT

SUPPLEMENTAL BRIEF

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CORPORATE DISCLOSURE STATEMENT PURSUANT TO SUPREME COURT RULE 29.6

Pursuant to Sup. Ct. R. 29.6, JELD-WEN, inc. is privately held and no publicly held corporation owns 10% or more of its stock. Furthermore, none of JELD-WEN, inc.'s subsidiaries, conglomerates, affiliates or parent corporations are publicly traded.

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No authorities are cited herein.

SUPPLEMENTAL BRIEF

Pursuant to S. Ct. R. 15(8), Respondent submits this Supplemental Brief to address an intervening assertion by Petitioners that was not available at the time Respondent submitted its Brief in Opposition. Respondent's Supplemental Brief is submitted solely to rebut an erroneous factual assertion first made in Petitioners' Reply to Respondent's Brief in Opposition ("Reply Brief"). Such rebuttal is consistent with S. Ct. R. 15(2) which requires that Respondent rebut any incorrect factual assertion set forth in Petitioners' representations to the Court.

Specifically, Petitioners assert at page 2 of their Reply Brief that:

> On the contrary, Petitioners argue that a report of harassment to one of only two management employees at the facility, when the other management employee is the perpetrator...is sufficient evidence for a jury to conclude that the notice requirement has been met under this Honorable Court's holding in Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986), and its progeny.

Petitioners' assertion is directly contrary to the undisputed record evidence in this matter, which established that, in addition to Mr. Fetner and Mr. Mendoza (i.e., the two employees referenced in the above excerpt), Pat Galvez was also onsite at the Roanoke facility as its Acting General (Plant) Manager. Both Mr. Mendoza and Mr. Fetner reported directly to Mr. Galvez. Mr. Mendoza only worked at

the Roanoke facility from October 2002 until October 2003 and Mr. Galvez was the Acting General (Plant) Manager during that entire time. Mr. Galvez was both available and effective as evidenced by his participation in the investigation of another employee's harassment allegation that resulted in the accused employee's separation.

Further, although Mr. Galvez's immediate supervisor, Coordinating General Manager Dan Hees, was based in Sparta, Tennessee, Mr. Hees visited the Roanoke facility once or twice per month, with each visit lasting about three days. In fact, the Roanoke facility was one of only three plants for which he had responsibility. Petitioners' express representations are contrary to the uncontroverted record evidence and should not be considered by this Court in determining whether *certiorari* review is warranted.

CONCLUSION

Respondent restates that there is no justification for *certiorari* review in this matter and Petitioners' writ is due to be denied.

Respectfully submitted,

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